

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

The United States of America and the States of)	
North Carolina, California, Colorado, Delaware,)	
Florida, Georgia, Illinois, Indiana, Iowa, Louisiana,)	
Michigan, Minnesota, New Jersey, New York,)	
Tennessee, Texas, Virginia, and Wisconsin, ex rel.)	C/A No.: 9:14-cv-0230-RMG
Scarlett Lutz, Kayla Webster, Dr. Michael Mayes,)	(Consolidated with 9:11-cv-1593-RMG
and Chris Reidel,)	and 9:15-cv-2485-RMG)
)	
Plaintiffs,)	
)	
v.)	
)	
Berkeley Heartlab, Inc., BlueWave Healthcare)	
Consultants, Inc., Latonya Mallory, Floyd Calhoun)	
Dent, III, and Robert Bradford Johnson,)	
)	
Defendants.)	
)	

BLUEWAVE DEFENDANTS’ REQUEST FOR SUPPLEMENTAL JURY CHARGE # 56

Defendants BlueWave Healthcare Consultants, Inc., Floyd Calhoun Dent, III, and Robert Bradford Johnson (together referred to as “BlueWave”) request the attached supplemental jury charge # 56. The BlueWave Defendants believe a recent ruling in the case of United States ex rel. Groat v. Boston Diagnostics Corporation, C.A. No. 15-487-RBW, 2017 WL 6327540, *8-9 (D.D.C. December 11, 2017), cited in the proposed jury instruction, is applicable to the case at bar in that it holds that a laboratory “is not required to independently determine the medical necessity of tests ordered by physicians” and “may rely on the ordering physician’s determination of medical necessity.” Id. The proposed jury instruction and Boston Diagnostics order are attached.

January 28, 2018

Respectfully submitted,

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Certificate of Service

I declare that I filed the foregoing on the court's electronic filing system, which forwarded an electronic copy to all counsel.

January 28, 2018

Respectfully submitted,

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